

REMARKS/ARGUMENTS

Claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are presented for consideration in the present application. Claims 1 – 10, 14, 21 – 24, 26 – 30, 32 – 36, 38 – 43, 45, and 51 are canceled. For at least the reasons set forth below, Applicants respectfully submit that claims 11 – 13, 15 – 20, 25, 31, 37, 44, and 46 – 50 are patentable over the cited art.

Applicants respectfully request that the Examiner acknowledges and initials the references submitted in the IDS filed with the Request for Continued Examination dated August 31, 2006 in the next correspondence.

Claims 11-13, 15-20, 25, 31, 34, 37, 44, and 46-50 stand rejected under 35 U.S.C. §103(a) as unpatentable over U.S Patent No. 4,361,150 to Voss ("Voss") in view of U.S Patent No. 6,432,076 to Wada et al. ("Wada"). Claim 34 is canceled rendering the rejection thereto moot. For at least the reasons set forth below, Applicants submit that claims 11-13, 15-20, 25, 31, 37, 44, and 46-50 are not disclosed or suggested by the cited combination of Voss and Wada.

Independent claim 11 recites, in part, that the finger grip has a shoulder region adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region. The shoulder region decreases in diameter from the tapered main section to the gripping region, and the flared region has an outer diameter that continuously increases from the gripping region to the second end of the barrel. The shoulder region and the flared region can mitigate slipping of a user's fingers from the gripping region.

The Office Action concedes that Voss does not disclose the finger grip having a gripping area with a decreased diameter. Col. 5, lines 4-10 of Voss provides a gripper ring 18 that is formed at the trailing end of applicator tube 12 and is in the form of an integral flange that projects outwardly in a radial direction from the trailing extremity of the tube 12 and takes the form of a thin, extremely wide plate which will facilitate

grasping and handling of the tube in a manner to be hereinafter described. Therefore, Voss fails to disclose or suggest that the finger grip has a shoulder region adjacent to the tapered main section, a gripping region adjacent to the shoulder region, and a flared region adjacent to the gripping region opposite the shoulder region, let alone that the shoulder region decreases in diameter from the tapered main section to the gripping region, the flared region has an outer diameter that continuously increases from the gripping region to the second end of the barrel, or that the shoulder region and the flared region can mitigate slipping of a user's fingers from the gripping region, as recited by claim 11.

The Office Action asserts that Wada teaches a tampon applicator comprising a finger grip 8 having a shoulder region (shown but not numbered) adjacent the main section of the applicator and a flared region 9 adjacent the gripping region, as shown in Figure 1. The Office Action further asserts that it would therefore be obvious to one of ordinary skill in the art at the time of the invention to provide the tampon applicator of Voss with the finger grip taught by Wada to provide an area that is easily located and gripped during use of the applicator.

Applicants respectfully disagree. Wada provides that the outer cylinder 1 is provided with a small diameter portion 8 on the side of the root end with respect to the center of the outer cylinder 1, and a root end 9 is diametrically enlarged to form an opening 10. (col. 4, lines 26-29). As clearly shown in Fig. 1 of Wada, the transition between a large diameter portion 7 and small diameter portion 8 begins at least directly adjacent tampon 3. Therefore, during insertion, the transition between large diameter portion 7 and small diameter portion 8 will be inserted into the body. Thus, the transition between large diameter portion 7 and small diameter portion 8 cannot mitigate slipping of a user's fingers from the gripping region and is not a finger grip or any portion thereof. Accordingly, Wada fails to disclose or suggest that the finger grip has a shoulder region adjacent to the tapered main section, let alone a gripping region adjacent to the shoulder region, or a flared region adjacent to the gripping region opposite the shoulder region so that the shoulder region decreases in diameter from the tapered main section to the gripping region, and that the flared region has an outer

diameter that continuously increases from the gripping region to the second end of the barrel, or that the shoulder region and the flared region can mitigate slipping of a user's fingers from the gripping region, as recited by claim 11.

Accordingly, Applicants respectfully submit that the cited combination of Voss and Wada clearly fails to disclose or suggest independent claim 11. As such, claim 11, as well as claims 12, 13, 15-20, 25, 31, 37, 44, and 46-50 that depend therefrom, are patentable over that the cited combination of Voss and Wada for at least the reasons described above for independent claim 11.

In addition, dependent claim 12 recites that the maximum outer diameter of the tapered main section is located from the insertion tip about 55% to 85% of an overall length of the barrel.

The Office Action contends that Voss discloses that the finger grip area 18 may be defined to include up to 25% of the distal end of the barrel 12, and therefore the maximum outer dimension of the tapered main section 15 will be located from the insertion tip 20 about 75% of the overall length of the barrel 12. However, the Office Action also asserts that Wada teaches a tampon applicator comprising a finger grip 8 having a shoulder region (shown but not numbered) adjacent the main section of the applicator and a flared region 9 adjacent the gripping region, as shown in Figure 1, and it would therefore be obvious to one of ordinary skill in the art at the time of the invention to provide the tampon applicator of Voss with the finger grip taught by Wada to provide an area that is easily located and gripped during use of the applicator. As discussed above, the transition between large diameter portion 7 and small diameter portion 8 of Wada begins at least directly adjacent tampon 3. Therefore, Voss as modified with Wada as set forth by the Office Action has a maximum outer diameter that is located from the insertion tip about less than 50% of an overall length of the barrel, as shown in Fig. 1 of Wada. Thus, the cited combination of Voss and Wada fails to disclose or suggest the maximum outer diameter of the tapered main section is located from the insertion tip about 55% to 85% of an overall length of the barrel, as recited by claim 12.

Therefore, Applicants respectfully submit that dependent claim 12 is patentable over the cited combination of Voss and Wada for this additional reason.

Reconsideration and withdrawal of the rejection to claims 11-13, 15-20, 25, 31, 37, 44, and 46-50 are respectfully requested.

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Such action is solicited.

If for any reason the Examiner feels that consultation with Applicants' attorney would be helpful in the advancement of the prosecution, the Examiner is invited to call the telephone number below.

Respectfully submitted,



Charles N. J. Ruggiero, Esq.
Registration No. 28,468
Attorney for Applicants
Ohlant, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square
Stamford, CT 06901-2682
Tel: (203) 327-4500
Fax: (203) 327-6401

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